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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.,

Plaintiffs,

v.

TKO GENERAL ENGINEERING AND
CONSTRUCTION, a California Corporation; and
TIM K. ODEN, an individual,

Defendants.

Case No.: 4:18-cv-01939 KAW

**PLAINTIFFS' REQUEST TO FURTHER
CONTINUE CASE MANAGEMENT
CONFERENCE; [~~PROPOSED~~] ORDER
THEREON**

Date: Tuesday, October 16, 2018

Time: 1:30 p.m.

Ctrm: 1301 Clay Street
Oakland, California

Judge: Hon. Magistrate Judge
Kandis A. Westmore

Plaintiffs respectfully request that the Case Management Conference, currently on calendar for October 16, 2018, be continued for approximately sixty (60) to ninety (90) days. Good cause exists for the granting of the continuance, as follows:

1. This action was filed on March 29, 2018 (Dkt. #1).
2. As Plaintiffs were unable to effect service of the Summons and Complaint upon Defendants despite their diligent efforts, this Court granted an extension of the deadline to serve Defendants to November 2, 2018. (Dkt. #16).
3. On or about August 30, 2018, our office was contacted by counsel on behalf of Defendants to discuss the possibility of informally resolving this dispute. The parties agreed that

Defendants would execute Waivers of the Service of Summons to reduce costs and permit the parties time to discuss the terms for possible resolution. Defendants executed the Waivers of the Service of Summons, and these Waivers were filed with the Court on September 5, 2018 (Dkt. #17 and #18).

4. The parties are continuing their negotiations for the resolution of this matter.

5. There are no issues that need to be addressed by the Plaintiffs at the currently-scheduled Case Management Conference. In the interest of conserving costs, as well as the Court's time and resources, Plaintiffs respectfully request that the upcoming Case Management Conference be continued for approximately sixty (60) to ninety (90) days, to allow sufficient time for the parties to attempt resolution of this matter without further involvement with the Court.

6. I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

Executed this 9th day of October 2018 at Alameda, California.

SALTZMAN & JOHNSON LAW CORPORATION

By: _____/S/

Tino X. Do
Attorneys for Plaintiffs, Operating Engineers' Health
and Welfare Trust Fund For Northern California, et
al.

IT IS SO ORDERED.

The currently set Case Management Conference is hereby continued to December 18, 2018 at 1:30 p.m., and all previously set deadlines and dates related to this case are continued accordingly.

DATED: 10/10, 2018

Kandis Westmore
UNITED STATES MAGISTRATE JUDGE